

Attorney Docket No.: 01CON247P-CON
Application Serial No.: 10/806,800

REMARKS

This is in response to the *Non-Final* Office Action of June 22, 2009, where the Examiner has rejected claims 30-45 and 56-57. An early allowance of outstanding claims 30-45 and 56-57 in view of the following remarks is requested.

A. Rejection of Claims 30-33, 38-41 and 56-57 under 35 USC § 103(a)

The Examiner has rejected claims 30-33, 38-41 and 56-57, under 35 USC § 103(a), as being unpatentable over Farris, et al. (USPN 6,438,218) ("Farris") in view of Walsh, et al. (USPN 6,636,519) ("Walsh"), and further in view of Khanna (USPN 6,850,518) ("Khanna").

Applicant acknowledges and appreciates the Examiner's withdrawal of claim rejections based on Farris in view of Walsh based on the distinctions offered by applicant.

For the purpose of brevity and specifically addressing the new cited reference, namely, Khanna, applicant incorporates the prior distinctions over Farris in view of Walsh. For the reasons that follow, applicant respectfully disagrees with the rejection of claims 30-33, 38-41 and 56-57, as being unpatentable further in view Khanna.

Claim 30 of the present application, in part, reads:

receiving a second set of data link parameters supported by both a second gateway modem of said second gateway modem and said second client modem;

harmonizing a set of data link parameters supported by said first gateway with said first set of data link parameters and said second set of data link parameters to determine a final set of data link parameters supported by all of said first client modem, said first gateway modem, said second gateway modem and said second client modem.

The present Office Action, on pages 6-7, states that:

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Walsh and Farris do not expressly disclose receiving a second set of data link parameters supported by both a second gateway modem of said second gateway and said second client modem, and harmonizing said set of data link parameters supported by said first gateway with said first set of data link parameters supported by said first client modem and second set of data link parameters to determine a final set of data link parameters supported by all modems

Khanna discloses receiving a second set of data link parameters supported by both a second gateway modem of said second gateway and said second client modem (see figure 6, end user A of token ring 1 with bridge 1 over IP to bridge 2 in token ring 2 for end user B, notice the exchange of XID, UA and SABME messages during setup, see column 6, lines 5-55, exchange of XID messages between end stations for reaching mutually agreeable parameters); and harmonizing said set of data link parameters supported by said first gateway with said first set of data link parameters supported by said first client modem and second set of data link parameters to determine a final set of data link parameters supported by all modems (see figure 6, end user A of token ring 1 with bridge 1 over IP to bridge 2 in token ring 2 for end user B, notice the exchange of XID, UA and SABME messages during setup, see column 6, lines 5-55, exchange of XID messages between end stations for reaching mutually agreeable parameters).

As seen above, the Examiner has relied upon FIG. 6 and the disclosure at col. 6, lines 5-55 of Khanna to state that the above-recited limitations of claim 30 are disclosed in Khanna. The cited portion of Khanna reads as follows:

In response to receiving the TEST F frame, ES_A examines the RIF and formulates a simple view of a path to ES_B comprising a 2-ring S ES_B network. In other words, ES_A examines the RIF of the TEST F frame and determines that the path to ES_B comprises RN1, BN1 and RN4095. ES_A then initiates a conventional XID message exchange (defined by the SNA protocol) with ES_B.8. Broadly stated, ES_A sends an XID null poll (NULL

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P) frame to ES_B that is received by the local DLSw device and interpreted as a request to establish a DLSw circuit over the TCP/IP network. In response to the NULL P frame, the local DLSw device issues a can-you-reach circuit start (CUR_cs) frame to the remote DLSw device; the CUR_cs frame is an initiate circuit setup message.

Since the remote DLSw device has previously reached ES_B (and has cached the previous TEST P/F information), it returns an I-can-reach circuit start (ICR_cs) frame to the local DLSw device in response to the CUR_cs frame. Upon receiving the ICR_cs message, the local DLSw device issues an acknowledgment (REACH_ACK) that is received by the remote DLSw device and which places the DLSw switches into a circuit establishment state. The XID NULL P that was previously sent from ES_A to the local DLSw device has not yet been transported over the IP and has, in fact, been cached at the local DLSw device. Upon establishing the SSP circuit over the IP WAN, the DLSw devices generate a correlator that correlates the SNA LLC circuit to the established SSP circuit. The correlator may be substituted for the DMAC, SMAC, DSAP, SSAP format that had been used to correlate frames from the SRB network over the TCP/IP cloud.

Thereafter, the local DLSw device sends the cached XID NULL P frame over the TCP/IP circuit to the remote DLSw device. This frame assumes the form of an XIDFRAME having an SSP format but with the data portion of the XID NULL P frame. That is, the local DLSw device "strips-off" the header of the XID NULL P frame and loads the remaining data portion into the XIDFRAME for transmission over the TCP/IP network to the remote DLSw device. At the remote DLSw device, the XIDFRAME is converted back to an XID NULL P message with a RIF that includes routing information previously cached at the remote device and that identifies the route to ES_B. ES_B responds with an XID frame that is translated by the remote DLSw device into an XIDFRAME for transmission over the TCP/IP network. Upon receiving this latter frame, the local DLSw device translates it into an XID frame and loads the RIF with the locally cached routing information to ES_A; the local DLSw device then transmits the XID frame to ES_A. Thereafter, after, an XID frame exchange occurs between the endstations to establish an end-to-end circuit connection with negotiated and agreed-upon parameters defining that connection.

First, applicant respectfully submits that Khanna does not disclose, teach or suggest the local DLSw device "receiving a second set of data link parameters supported by both a second gateway modem of said second gateway modem and said second client modem." In other words,

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Khanna states that ES_B makes the response to the received frame and the remote DLSw device merely translates the response made by ES_B (see, ES_B responds with an XID frame that is translated by the remote DLSw device into an XIDFRAME for transmission over the TCP/IP network. Upon receiving this latter frame, the local DLSw device translates it into an XID frame and loads the RIF with the locally cached routing information to ES_A.) Therefore, there is no disclosure that the response made by ES_B includes parameters that are also supported by the remote DLSw device. Rather, the remote DLSw device is stated to be merely a frame translator.

Furthermore, applicant respectfully submits that Khanna does not disclose, teach or suggest the local DLSw device “harmonizing a set of data link parameters supported by said first gateway with said first set of data link parameters and said second set of data link parameters to determine a final set of data link parameters supported by all of said first client modem, said first gateway modem, said second gateway modem and said second client modem.” It is respectfully submitted that there is no harmonization of parameters performed by the local DLSw device between parameters supported by the local DLSw device and ES_A, and no harmonization of parameters is performed by the local DLSw device between parameters supported by the local DLSw device and the parameters received from the remote side. Khanna explains that when the local DLSw device receives XID frame from ES_A, “the local DLSw device "strips-off" the header of the XID NULL P frame and loads the remaining data portion into the XIDFRAME for transmission over the TCP/IP network to the remote DLSw device.” There is no mention or disclosure that the local DLSw device uses the XID received from ES_A, to perform any harmonization of its parameters with those in the XID. Even more, when the local DLSw device receives XID frame from the remote DLSw device, “the local DLSw device translates it into an XID frame and loads the RIF with the locally cached routing information to ES_A; the local DLSw

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device then transmits the XID frame to ES_A. There is again no disclosure in Khanna that the local DLSw device uses XID frame received from the remote device DLSw device to perform any harmonization, and the local DLSw device simply performs a translation. Even more, Khanna is clear that the negotiation of the parameters is between ES_A and ES_B and not between the local DLSw device at one end with ES_A and at the other end with a parameters from the remote DLSw device (which were not even negotiated between the remote DLSw device and ES_B.) (see, Thereafter, after, an XID frame exchange occurs between the endstations to establish an end-to-end circuit connection with negotiated and agreed-upon parameters defining that connection.)

In short, it is respectfully submitted that Khanna fails to disclose, teach or suggest “a final set of data link parameters supported by all of said first client modem, said first gateway modem, said second gateway modem and said second client modem.” Khanna discloses that a final set of data link parameters are supported only by ES_A and ES_B, and there is no disclosure that such parameters are negotiated and/or supported by the local DLSw device and the remote DLSw device.

Accordingly, applicant respectfully submits that claim 30 should be allowed. Further, claims 31-33 and 56 depend from claim 30, and should be allowed at least for the reasons stated above. It is respectfully submitted that independent claim 38 includes limitations similar to those of claim 30. Therefore, independent claim 38, and its respective dependent claims 39-41 and 57, should also be allowed at least for the reasons stated above.

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B. Rejection of Claims 34 and 42 under 35 USC § 103(a)

The Examiner has rejected claims 34 and 42, under 35 USC § 103(a), as being unpatentable over Farris in view of Walsh, further in view of Khanna, and further in view of Endo and Davis

It is respectfully submitted that claims 34 and 42 depend from claims 30 and 38, respectively, and should also be allowed at least for the reasons stated above.

C. Rejection of Claims 35-37 and 43-45 under 35 USC § 103(a)

The Examiner has rejected claims 35-37 and 43-45, under 35 USC § 103(a), as being unpatentable over Farris in view of Walsh, further in view of Khanna, and further in view of Endo and Davis

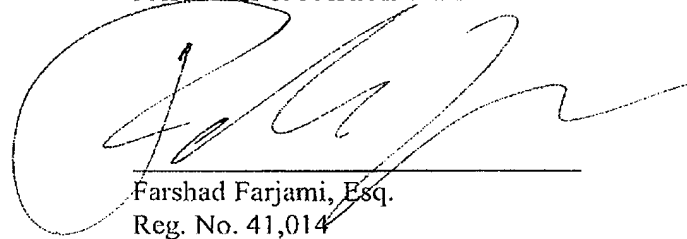
It is respectfully submitted that claims 35-37 and 43-45 depend from claims 30 and 38, respectively, and should also be allowed at least for the reasons stated above.

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D. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 30-45 and 56-57 pending in the present application is respectfully requested.

Respectfully Submitted,
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